

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 09-CR-043 SPF

**LINDSEY KENT SPRINGER,
OSCAR AMOS STILLEY**

DEFENDANT

BRIEF IN SUPPORT OF MOTION TO QUASH TESTIMONY OF VIKKI WIGGINS

Comes now **OSCAR AMOS STILLEY**¹ by limited special appearance, and not a general appearance, and for his brief in support of motion states:

Previously, various reasons were urged, asking for time to brief the Court concerning the competency of Ms. Wiggins. However, the law provides that almost any witness who has personal knowledge is a competent witness. In *U.S. v. Bedonie*, 913 F.2d 782 (10th Cir. 1990) the Court said:

[72] Fed.R.Evid. 601 provides that "[e]very person is competent to be a witness except as otherwise provided." "A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that [he] has personal knowledge of the matter." Fed.R.Evid. 602. However, "[e]vidence to prove personal knowledge may . . . consist

¹ It is presumed that the plaintiff is master of his own complaint. This complaint is styled in the name of "**UNITED STATES OF AMERICA**" as opposed to the people thereof, or any grand jury. Plaintiff, whoever that may actually be, named **OSCAR AMOS STILLEY** as a Defendant. Therefore, OSCAR AMOS STILLEY has appeared specially and limited, challenging jurisdiction, to defend against the charges to the extent required so to do by the law.

of the witness' own testimony." Id. Finally, Fed.R.Evid. 603 requires every witness "to declare that [he] will testify truthfully, by oath or affirmation."

Focusing on matters of competency rather than credibility, the testimony showed that Ms. Wiggins was not the source of any of the funds conveyed to Mr. Springer, with respect to which she testified. This alone would not prevent her from testifying. However, she also testified that she could not make the decisions about what would be done with money held by the Nation of Levites, or its offshoots.

Ms. Wiggins testified that:

13

10 Q And what was your position with Garlin Associated
11 Ministries?

12 A I started out as just a minister. And then just
13 before the problem started with him, he promoted me to
14 bishop.

15 Q All right. "He" being who?

16 A Jeremy Selvey.

17 Q Jeremy Selvey was the -- what was his connection
18 with The Nation of Levites?

19 A High priest.

Nothing in Wiggins' testimony establishes her personal knowledge with respect to the reasons for the payments. Jeremy Silvey was the decision maker with respect to the payments, by Wiggins' own account. At page 22 of the transcript she says:

- 2 Q So that's where this check was drawn on -- this
3 cashier's check. And you already said you caused it to be
4 prepared; right?
5 A With Jeremy Selvey's permission, yes.

Ms. Wiggins says the same thing on page 23 at line 18, that a check was issued with Selvey's permission.

At page 26 Wiggins says:

- 21 Q During the pendency of that lawsuit, did you talk
22 to Lindsey periodically, Mr. Springer?
23 A Yes. Until after the -- Jeremy said "No more" --
24 "No more money." And without his permission I couldn't
25 give him any more.

The transcript of Ms. Wiggins' testimony fails to establish Ms. Wiggins competency to testify as to the reasons that may have impelled Mr. Selvey to authorize the Nation of Levites, or Garlin Associated Ministries, to effectuate the transfer of funds to Bondage Breakers Ministries or Lindsey Springer. Therefore, Ms. Wiggins' testimony should be quashed. WHEREFORE, Defendant Oscar Stilley respectfully requests that the Court quash the testimony of Ms. Wiggins; and such other relief as may be appropriate whether or not specifically prayed.

Respectfully submitted,

By: /s/ Oscar Stilley
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CERTIFICATE OF SERVICE

I, Oscar Stilley, by my signature above certify that I have this October 24, 2009, caused the Plaintiff to be served with a copy of this pleading by CM/ECF to: Kenneth P. Snoke, United States Attorney's Office, 110 W 7th Street, Suite 300, Tulsa , OK 74119-1013, ken.snoke@usdoj.gov; Charles A O'Reilly, US Dept of Justice, PO Box 972, Washington , DC 20044, email charles.a.o'reilly@usdoj.gov . Also by email to Lindsey K. Springer at Gnutella@mindspring.com .